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*Counsel for Ira Zeidman and Roslyn Fabian and  
Proposed Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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)  
)  
)  
MICHAEL RUBIN, Individually And On Behalf ) DOCKET NUMBER: 08-cv-2233  
of All Others Similarly Situated, )  
Plaintiff, )  
vs. ) HON. VICTOR MARRERO  
)  
)  
MF GLOBAL, LTD. et al, )  
)  
Defendants. )  
)  
)  
)

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**DECLARATION OF KIM E. MILLER IN SUPPORT OF THE MOTION OF IRA  
ZEIDMAN AND ROSLYN FABIAN TO CONSOLIDATE ALL FUTURE RELATED  
ACTIONS; TO BE APPOINTED LEAD PLAINTIFFS; AND TO APPROVE PROPOSED  
LEAD PLAINTIFFS' CHOICE OF COUNSEL**

I, Kim E. Miller, hereby declare as follows:

1. I am member of the law firm of Kahn Gauthier Swick, LLC ("KGS").

2. I submit this Declaration, together with the attached exhibits, in support of the Motion of Ira Zeidman and Roslyn Fabian ("Movants"), to appoint them to serve as Lead Plaintiffs on behalf of the Class and to approve Movants' choice of KGS as Lead Counsel. I am fully familiar with the facts set forth herein.

3. Movants seek appointment as Lead Plaintiffs pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 (the "Securities Act") in the above-captioned action (the "Action").

4. Attached hereto as Exhibit A is a true and correct copy of the sworn shareholder certifications of Ira Zeidman and Roslyn Fabian, along with a summary loss chart.

5. Attached hereto as Exhibit B is a true and correct copy of the press release published on March 10, 2008, on *Business Wire*, a well-known, national business-oriented publication, announcing the pendency of the lawsuit commenced against Defendants herein.

7. Attached hereto as Exhibit C is a true and correct copy of the firm resume of KGS.

I declare under penalty of perjury under the laws of the state of New York that the foregoing facts are true and correct. Executed this 9<sup>th</sup> day of May, 2008, at New York, New York.

/s/ Kim E. Miller

Kim E. Miller

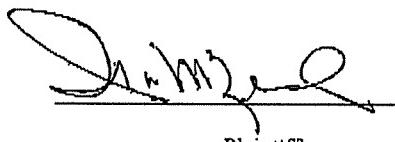
**CERTIFICATION IN SUPPORT OF APPLICATION FOR LEAD PLAINTIFF**

IRMA M ZEIDMAN (name) ("plaintiff") declares, as to the claims asserted under the federal securities law, that:

1. Plaintiff has fully reviewed the facts of the complaint(s) filed in this action alleging violations of the securities laws and plaintiff is willing to serve as a lead plaintiff in this case and all other related cases that may be consolidated with it.
2. Plaintiff did not purchase securities of MF Global Ltd. at the direction of counsel or in order to participate in a private action under the federal securities laws.
3. Plaintiff is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary.
4. During the Class Period, plaintiff has executed transactions in the securities of MF Global Ltd. as follows. See Attached Schedule.
5. In the last three years, plaintiff has not sought to serve as a representative party on behalf of a class in an action filed under the federal securities laws, except as indicated herein.
6. Plaintiff will not accept payment for serving as a lead plaintiff beyond its pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the Class as ordered or approved by the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 4/22/08, 2008



Plaintiff

Ira Zeidman
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DATE	# SHARES BOUGHT	PRICE
7/18/2007	4000	\$30.00
TOTAL BOUGHT:	4000	

CERTIFICATION IN SUPPORT OF APPLICATION FOR LEAD PLAINTIFF

*Rosalyn S. Faber* (name) ("plaintiff") declares, as to the claims asserted under the federal securities law, that:

1. Plaintiff has fully reviewed the facts of the complaint(s) filed in this action alleging violations of the securities laws and plaintiff is willing to serve as a lead plaintiff in this case and all other related cases that may be consolidated with it.
2. Plaintiff did not purchase securities of MF Global Ltd. at the direction of counsel or in order to participate in a private action under the federal securities laws.
3. Plaintiff is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary.
4. During the Class Period, plaintiff has executed transactions in the securities of MF Global Ltd. as follows. See Attached Schedule.
5. In the last three years, plaintiff has not sought to serve as a representative party on behalf of a class in an action filed under the federal securities laws, except as indicated herein.
6. Plaintiff will not accept payment for serving as a lead plaintiff beyond its pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the Class as ordered or approved by the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 18, 2008

*Rosalyn S. Faber*

Plaintiff

Name of plaintiff:Schedule of plaintiff's Transaction(s) inMF Global Ltd.

## Purchase(s):

<u>Date</u>	<u>Units</u>	<u>Price</u>
1/24/07	1000	30 <sup>00</sup> per share

## Sale(s):

<u>Date</u>	<u>Units</u>	<u>Price</u>
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**ZEIDMAN FABIAN  
Loss Chart--MF Global, Ltd.**

Ira Zeidman

DATE	# SHARES BOUGHT	PRICE	COST
7/18/2007	4000	\$30.00	\$120,000.00
TOTAL BOUGHT:	4000		\$120,000.00
TOTAL HELD:	4000	\$18.39	\$73,560.00
		<b>TOTAL LOSS:</b>	<b>\$46,440.00</b>

Roslyn Fabian

DATE	# SHARES BOUGHT	PRICE	COST
7/24/2007	1000	\$30.00	\$30,000.00
TOTAL BOUGHT:	1000		\$30,000.00
TOTAL HELD:	1000	\$18.39	\$18,390.00
		<b>TOTAL LOSS:</b>	<b>\$11,610</b>

**TOTAL ZIEDMAN & FABIAN LOSSES: \$58,050.00**

Closing Price on  
3/6/08 applied for  
shares held:  
\$18.39

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Source: Weiss &amp; Lurie

## Weiss & Lurie Announces Class Action Suit Against MF Global, Ltd.

Monday March 10, 2:17 pm ET

NEW YORK--(BUSINESS WIRE)--The law firm of Weiss & Lurie announces that on March 6, 2008, it filed a class action lawsuit on behalf of purchasers of the common stock of MF Global, Ltd., ("MF" or the "Company") (NYSE:[MF](#) - [News](#)), in its Initial Public Offering on July 19, 2007 and on the open market through February, 28, 2008 (the "Class Period").

## ADVERTISEMENT

Other law firms, who do not represent MF clients and have not filed lawsuits, but have sought to piggyback on the work done and complaint filed by Weiss & Lurie, have published misleading notices to solicit clients. Those notices are published by lawyers in search of litigation. This notice is being disseminated pursuant to federal law in order to advise shareholders of the actual filing of the lawsuit and their rights in connection therewith.

The complaint asserts claims against defendants MF, Man Group Plc, Kevin R. Davis, Amy S. Butte, Alison J. Carnwath, Christopher J. Smith, Christopher Bates, Henri J. Steenkamp and Edward L. Goldberg for violations of Sections 11, 12(2) and 15 of the Securities Act of 1933. The complaint alleges that the Registration Statement and Prospectus issued in connection with the IPO were materially false and misleading. The action is pending in the United States District Court for the Southern District of New York as civil action number 08-cv-2233 before the Honorable Victor Marrero.

Plaintiff is represented by the law firm of Weiss & Lurie, which possesses significant experience and expertise in prosecuting class actions on behalf of shareholders in federal and state courts throughout the United States. Weiss & Lurie has been collectively responsible for recovering more than a billion dollars on behalf of class members.

If you bought MF securities between July 19, 2007 and February 28, 2008, you may move the court no later than May 9, 2008, to serve as a lead plaintiff of the class. To serve as a lead plaintiff, you must meet certain legal requirements. A lead plaintiff is a representative party that acts on behalf of other class members in directing the litigation. To be appointed a lead plaintiff, the Court must determine that the class member's claim is typical of the claims of other class members, and that the class member will adequately represent the class. Under certain circumstances, one or more class members may together serve as a "lead plaintiff." Your ability to share in any recovery is not, however, affected by the decision whether or not to serve as a lead plaintiff. You may retain Weiss & Lurie or other counsel of your choice, to serve as your counsel in this action.

If you wish to receive an investor package or if you wish to discuss this action, have any questions concerning this notice or your rights or interests with respect to this matter, or if you have any information you wish to

**Related News Stories**

- [Brower Piven Informs Investors Who Have Net Losses of More Than \\$100,000 That They Have Only Until May 6, 2008 to Move for Appointment as Lead Plaintiff in MF Global, Ltd. Class Action Lawsuit](#) - Marketwire (Tue Apr 29)
- [Classic Cappuccino Man: MF Global CEO Kevin Davis](#) - at Seeking Alpha (Mon Apr 28)
- [\[\\$\\$\] Hedge Fund Buys Big Chunk of MF Global](#) - at Barron's Online (Thu Apr 24)
- [American Water Works IPO prices at \\$21.50, totals \\$1.25B](#) - AP (Wed Apr 23)
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provide to us, please contact:

Joseph H. Weiss, James E. Tullman, and/or Richard A. Acocelli, (888) 593-4771 or (212) 682-3025, via Internet electronic mail at [infony@weisslurie.com](mailto:infony@weisslurie.com) or by writing Weiss & Lurie, The French Building, 551 Fifth Avenue, Suite 1600, New York, New York 10176.

**Contact:**

Weiss &amp; Lurie

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[infony@weisslurie.com](mailto:infony@weisslurie.com)

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Kahn Gauthier Swick, LLC (“KGS”) ([www.kgscounsel.com](http://www.kgscounsel.com)) is a law firm with offices in New Orleans and New York City. KGS focuses predominantly on class action litigation, in the areas of securities and consumer fraud, shareholder derivative and other complex litigation. KGS was formed in 2000 as a partnership between established class action attorneys. Since its inception KGS has recovered tens of millions of dollars for its clients.

KGS’s lawyers have significant experience litigating complex securities cases. Among other cases the firm is involved in, KGS has been appointed to leadership roles in the following securities class action and derivative litigations:

**Bodisen Biotech, Inc.**  
Co-Lead Counsel

S.D.N.Y.

**Gaming Partners**  
Co-Lead Counsel

D. Nev.

**In re Allot Communications Ltd. Securities Litigation**  
Co-Lead Counsel

S.D.N.Y.

**In re BigBand Networks, Inc Securities Litigation**  
Co-Lead Counsel

C.D. Cal.

**In re Optionable, Inc. Securities Litigation**  
Lead Counsel

S.D.N.Y.

**In re Pegasus Wireless Corp. Securities Litigation**  
Lead Counsel

S.D. Fla.

**In re Proquest Company Shareholder Derivative Litigation**  
Co-Lead Counsel

E.D.Mich.

**In re ShoreTel, Inc. Securities Litigation**  
Lead Counsel

N.D. Cal

**In re U.S. Auto Parts Networks, Inc. Securities Litigation**  
Lead Counsel

C.D. Cal.

*In re Witness Systems Inc. Securities Litigation* N.D. Ga.  
Co-Lead Counsel

*In re Xethanol Corporation Securities Litigation* S.D.N.Y.  
Lead Counsel

*In re Xinhua Finance Media, Ltd. Securities Litigation* S.D.N.Y.  
Co-Lead Counsel

*Pixelplus Co. Ltd.* S.D.N.Y.  
Co-Lead Counsel

*ShoreTel, Inc.* N.D. Cal  
Lead Counsel

*Terayon Comm. Systems Inc.* N.D. Cal.  
Co-Lead Counsel

*Whitney Information Network* M.D. Fla.  
Lead Counsel

## LAWYERS

### Partners

#### ***Lewis S. Kahn***

Lewis Kahn serves as the managing partner of KGS. Along with the representation of thousands of plaintiffs in mass tort cases and thousands of wronged investors in class actions throughout the United States, Mr. Kahn has been appointed to various leadership positions in federal class action litigation. Among other appointments, Mr. Kahn served as a member of the Plaintiffs' Steering Committee in MDL 1481, *In re Meridia Products Liability Litigation*, appointed by Judge James S. Gwin in the United States District Court for the Northern District of Ohio, Eastern District.

Mr. Kahn is often turned to by the media for expert commentary in the field of class action litigation. KGS has been profiled in the *New York Times*, *Washington Post*, *Boston Globe*, and many other media outlets. Mr. Kahn holds a Bachelor's degree from New York University

and received a Juris Doctor from Tulane Law School in 1994. He has been a member in good standing of the Louisiana State Bar Association since 1995, and is a member of the Federal Bars for the Eastern, Middle and Western Districts of Louisiana.

***Kim E. Miller***

Kim E. Miller is a partner of Kahn Gauthier Swick, LLC, who specializes in securities, consumer, and commercial litigation. Prior to joining KGS in 2006, Ms. Miller was a partner at one of the nation's leading plaintiff class action firms. Ms. Miller also spent two years as a securities litigator on the defense side while at Gray Cary Ware & Friedenrich LLP in Palo Alto, California.

Over the course of her career, Ms. Miller has represented tens of thousands of wronged investors and consumers in class actions filed throughout the country. Among other cases, Ms. Miller has worked on more than 25 cases involving allegations of improper directed brokerage arrangements and excessive charges in mutual fund cases brought pursuant to the 1934 Securities Exchange Act and/or the Investment Company Act of 1940. Ms. Miller was also involved in the mutual funds late trading/market timing litigation.

Ms. Miller has been involved in a variety of cases in which large settlements were reached, including:

**Settlement value of \$127.5 million** *Spahn v. Edward D. Jones & Co., L.P.*, 04-cv-00086-HEA (E.D. Mo.)

**\$110 Million Recovery.** *In re StarLink Corn Products Liability Litigation*, MDL No. 1403 (N.D. Ill.)

**\$100 Million Recovery.** *In re American Express Financial Advisors, Inc. Sec. Litig.*, 1:04-cv-01773-DAB (S.D.N.Y.)

Ms. Miller was also a member of the trial team that obtained a federal jury verdict in favor of plaintiffs in a case involving the aiding and abetting of a mortgage company's fraudulent lending

practices. *Austin v. Lehman Commercial Paper*, No. 04-55942 (DOC)(C.D. Cal.).

Ms. Miller graduated with honors from Stanford University in 1992 with a double major in English and Psychology. She earned her Juris Doctor degree from Cornell Law School, *cum laude*, in 1995. While at Cornell, Ms. Miller was the Co-Chair of the Women's Law Symposium, Bench Brief Editor of the Moot Court Board, and a member of the Board of Editors of the Cornell Journal of Law & Public Policy. She is admitted to practice in the States of California and New York and before the United States District Courts for the Southern and Eastern Districts of New York and the Northern, Southern, and Central Districts of California. Her *pro bono* work includes representing families of 9/11 victims at *In re September 11 Victim Compensation Fund* hearings. Ms. Miller has also served as a fundraiser for the New York Legal Aid Society.

***Kevin L. Oufnac***

Kevin Oufnac joined Kahn Gauthier Swick, LLC in 2006. Prior to becoming a partner in KGS, Mr. Oufnac spent many years litigating cases throughout the United States with several of the nation's most recognized law firms, including Ness, Motley, Loadholt, Richardson, & Poole, PA; Richardson, Patrick, Westbrook & Brickman, LLC; and Motley Rice, LLC. In addition to individual cases, some of the litigations in which Mr. Oufnac has participated include *In re Community Bank of Northern Virginia and Guaranty National Bank of Tallahassee Second Mortgage Loan Litigation*, No. 03-0425 (W.D. Pa.) (which resulted in a settlement of \$33 million to the class members), and *Dundon v. U.S. Bank*, No. 01-408 (S.D. Ill.) (which resulted in a settlement of \$26 million to the class members).

Mr. Oufnac received his Juris Doctor in 1995 from the Loyola University School of Law, New Orleans. He is a member of the Louisiana State Bar Association, the South Carolina State Bar Association, and the Association of Trial Lawyers of America. Mr. Oufnac has also been

admitted to the United States Court of Appeals for the Fourth Circuit and the United States District Courts for the Eastern District of Michigan, the Eastern District of Louisiana, and the District of South Carolina.

***Michael A. Swick***

Michael A. Swick heads KGS's Securities Litigation Group. Mr. Swick began his career in the mid 1990's working at several of the nation's leading securities class action law firms.

Over the past decade, Mr. Swick has played a significant role in investigating corporate fraud, initiating litigations, and drafting amended complaints in cases involving the Securities Act of 1933 and the Securities Exchange Act of 1934.

Mr. Swick received a Juris Doctor from Tulane Law School in 1994. Mr. Swick received a Masters of Political Philosophy from Columbia University in 1989 and a B.A. in Philosophy and Political Science from State University of New York at Albany in 1988. Mr. Swick was admitted to the State Bar of New York in 1996 and is a member of the Federal Bar for the Southern District of New York.

**Of Counsel**

***Charles C. Foti, Jr.***

Charles C. Foti, Jr. served as the Attorney General for the state of Louisiana from 2004-2008, after serving for 30 years as one of the most innovative law enforcement officials in the United States as Orleans Parish Criminal Sheriff. Throughout his career, General Foti has remained committed to public service.

As Attorney General for the state of Louisiana, General Foti's achievements include:

\* Recovered over \$24 million for Louisiana consumers in consumer fraud matters, \$8 million in anti-trust litigation, \$9.1 million for state employees through Office of Group Benefits, over \$2 million for auto complaints, over \$33 million in Medicaid Fraud.

\* Investigated and apprehended numerous contractor fraud criminals in the wake of the worst natural disaster in United States history, Hurricane Katrina.

*\* Louisiana Internet Crimes Against Children Task Force doubled the number of arrests for crime against children.*

In his tenure as Orleans Parish Criminal Sheriff, General Foti oversaw the enormous expansion of the parish jail, growing from 800 prisoners in 1973 to more than 7,000 currently. As the prison expanded, so did the need for education and rehabilitation skills for prisoners. As Sheriff, General Foti started the first reading and GED programs, work release programs, drug treatment programs and the nation's first boot camp at the local level, all to prepare prisoners for a future without crime. Administratively, General Foti managed a multi-million dollar budget and a complex organization of more than 1,400 employees.

General Foti has for many years been an advocate for the elderly. As Sheriff, he and a small army of volunteers provided Thanksgiving meals for senior citizens in the New Orleans area who were alone or couldn't afford a proper holiday feast. He started a back to work program for senior citizens that helps people over the age of 55 get back into the workforce.

General Foti received his Juris Doctor degree from Loyola University Law School in 1965, after serving his country in the United States Army from 1955 through 1958.

#### ***Glen Woods***

Glen Woods joined Kahn Gauthier Swick, LLC as Of Counsel in 2006. Mr. Woods has tried over two hundred business and tort cases in Louisiana state and federal courts. Mr. Woods achieved a \$346 million verdict in 1997 in a breach of contract case against Entergy and a \$55 million verdict against ADP for its involvement in the New Orleans Fairgrounds fire years earlier. Mr. Woods began his legal career in 1985 as an Assistant District Attorney to Harry Connick Sr. and was appointed Special Prosecutor responsible for capital homicides. Mr. Woods is admitted to practice in all state courts in the State of Louisiana, the United States District Court for the Eastern District of Louisiana, and the United States Court of Appeals for the Fifth

Circuit. Mr. Woods received his Juris Doctor from Southern University in 1984 and received a Bachelor of Arts in Sociology from the University of Southwestern Louisiana in 1979.

### **Associates**

#### ***Paul S. Balanon***

Paul Balanon's post-admission experience includes commercial litigation in such areas as marine insurance, contractual indemnity, products liability, toxic torts, regulatory and administrative law, Defense Base Act matters, and environmental law. In addition, he has handled immigration and nationality cases (including investment-based and treaty visas), contract drafting and transactional matters, and international trade issues.

Mr. Balanon received a B.A. cum laude in Political Science with a specialization in International Relations from UCLA (1999), a J.D. from American University (2003), and a Master of Laws in Admiralty with distinction from Tulane University Law School (2004).

While taking a full-time course of law study at the Washington College of Law at American University, Mr. Balanon worked for Judge David S. Tatel (U.S. Court of Appeals for the D.C. Circuit) and for the Washington Lawyers Committee. He was also a member of the Moot Court Honor Society, competed in the Delaware corporations moot court, and served as a student attorney for American University's legal clinic. To pursue more intensive studies in one of his areas of interest—shipping—Mr. Balanon enrolled as a Henry F. Stiles Scholar at Tulane Law School where he was a member of the Tulane Maritime Law Journal, which published his case note. He is the recipient of the Edward A. Dodd Prize for graduating first in the class in his year.

Mr. Balanon is admitted to practice in the State of Louisiana; the Eastern, Middle, and Western Districts of Louisiana; the U.S. Bankruptcy Court for the Eastern District of Louisiana;

the U.S. Fifth Circuit; the State of Maryland; and Washington, D.C.

***Sarah Catherine Boone***

Sarah Catherine Boone holds a Bachelor of Arts in Philosophy from the University of Southern California and a Master of Fine Arts in Writing from the Master of Professional Writing Program at USC. She received her Juris Doctor from Tulane Law School and was admitted to practice law in the State of Montana in 2007. She is a member of the Montana State Bar Association and she has been admitted to the United States District Court for the District of Montana. She is also a member of the American Bar Association and the Tulane Inns of Court.

***Melissa Ryan Clark***

Melissa Ryan Clark received her Juris Doctor from Tulane Law School in 2007. While at Tulane, Ms. Clark was president of her graduating class and of the Business Law Society, a chairperson for the Moot Court Board, and a Senior Fellow for Legal Research & Writing. In Fall 2006, Ms. Clark attended University of California – Berkeley where she received high honors in Securities & Class Action Litigation and was a Visiting Contributor to the *California Law Review*. She received her Bachelors of Science degree in International Affairs from Florida State University in 2004.

Ms. Clark's legal work experience includes clerking at the San Francisco District Attorney's Office and externing for the Honorable Chief Judge Jerry Brown in the United States Bankruptcy Court, Eastern District of Louisiana and the Honorable Jay C. Zainey in the Eastern District of Louisiana. She is a member of the New York State Bar Association, the American Bar Association, and the American Inns of Courts. Ms. Clark was admitted to the New York Bar in 2008.

***Catherine R. Gauthier***

Catherine R. Gauthier holds a Bachelor of Arts degree from the University of Louisiana at Lafayette, having graduated *magna cum laude* in 2000. She received a Juris Doctor from Loyola University School of Law, New Orleans and was admitted to practice law in the State of Louisiana in 2005. She is a member of the Louisiana State Bar Association, the American Bar Association, and the American Association of Trial Lawyers.

***George S. Mentz***

George Mentz is licensed to practice law in Louisiana and the Federal Courts of the EDLA and is a member of the Tax, Trusts & Estates & International Law Sections of the Bar. Mr. Mentz is chiefly a consultant and professor in the areas of ethics, consumer and victims rights, international law, business law, and financial law. Mr. Mentz has recently been featured or quoted in the Wall Street Journal, Financial Times Asia, China Daily, The Arab Times, The Hindu National (India), and The El Norte Mexico Newspapers. Mr. Mentz has written and published in multiple venues around the world in Radio, TV, magazines, web-casts, and journals and has published over 22 books and training manuals.

Professor Mentz serves on several boards and advisory committees in the US, Europe, and Asia. Mr. Mentz has a JD, MBA, certified financial consultant credential and financial planner license. Mr. Mentz has provided specialized consulting over the years as to valuation and quantum damages and has testified and been accepted as an expert in NASD securities arbitration hearings. Mr. Mentz was recently appointed to the Institutional Advisory Board of the Global Finance Forum in Switzerland, the ERISA Fiduciary Guild Advisory Board, and the AML Anti Money Laundering Committee for ICA USA, and was recently re-elected to the Financial Training and Ethics Board for AAFM Worldwide for 2007. Prof. Mentz has trained thousands of people in the areas of law, finance, ethics, tax, corporate governance, investments,

and wealth management, and has taught over 100 law, business, and ethics courses at the graduate and undergraduate level over the last ten years.

Mr. Mentz earned his Juris Doctor from Loyola University School of Law, New Orleans. Mr. Mentz was Chairman and Faculty Advisor for the Tax and Estate Planning Law Review at Loyola University. Further, Mr. Mentz holds an MBA in International Business and Financial Planning from Loyola, as well as a BA with a focus on International Politics.